

## REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Claims 1-23 are pending in the application. The Examiner rejected the claims under 35 U.S.C. §102(b) as being anticipated by Harrington (US 4,860,267), and as being unpatentable under 35 U.S.C. §103 over Harrington in view of Neumann (2003/0036915), and for claims 4 and 5, rejected additionally in view of Teixeira (US 6,483,779). Applicant respectfully traverses these rejections.

### Rejection Under §102(b)-Herrington

Independent claims 1, 12 and 19 recite structure directed to an apparatus for maintaining janitorial services information at a facility, including a time when the facility was last cleaned or serviced. The claimed invention is configured to *always display* within view of patrons of the facility, a fixed time corresponding to the time when the facility was last cleaned or serviced. The display is periodically updated by a facilities cleaner or servicing personnel with a new *fixed time* when the facilities is subsequently cleaned. Updating the display occurs substantially coterminous with the cleaning of the facilities so that the display time reflects the time of the cleaning.

Herrington is missing many elements recited in the independent claims. First, Herrington does not display a fixed time. In contrast, Herrington displays a continuously changing display the counts down the time remaining until a task is performed. The time displayed is not fixed at all. This structural element is completely missing in Herrington.

Second, unlike the claimed invention, Herrington does not display a time when the facility was last cleaned or serviced. Rather, the Herrington timer only shows the number of days or hours remaining, which automatically decreases as each time interval passes. Unlike applicant's claimed invention, the Herrington device cannot be interrogated or inspected to determine when the facilities was last cleaned. This element too is missing in Herrington.

Third, the Herrington device does not receive user-input substantially coterminous with the time the facility is cleaned. This element is also completely missing in Herrington. Further, with respect to method claim 19, Herrington does not teach or suggest any of the actions recited in the method claim.

In the Office Action, the Examiner recites the elements of claim 1 and indicates that the primary reference to Herrington discloses these elements. No citation to the reference is provided other than some reference numbers corresponding to chassis, display, and CPU. However, such components are not analyzed with reference to complete claim elements. For example, while the Herrington reference does disclose a display (5), it does NOT disclose a display that displays a fixed time corresponding to the time when the facility was last cleaned.

Applicant respectfully submits that at least several claimed elements are missing from the primary reference to Herrington. Because at least one significant element is missing, Herrington cannot anticipate applicant's claimed invention with respect to independent claims 1, 12, and 19. Further, applicant submits that the dependent claims are allowable as depending from allowable base claims, respectively.

#### Rejection Under §103-Herrington and Neumann

The Examiner rejects the dependent claims as being obvious, and cites Herrington as the primary reference that provides all of the element of the independent claims, except for one missing element recited in a corresponding dependent claim. The Examiner then cites the secondary reference to Neumann as providing that missing element.

Applicant respectfully submits that the combination of Herrington and Neumann does not provide applicant's claimed invention, and reasserts the above arguments with respect to the rejection based on §102 because as submitted above, Herrington does not provide the base elements of any of the independent claims. Herrington is deficient on its face. Further, Neumann does not add any elements that correct the deficiency in the primary reference to Herrington. For example, the Examiner states that dependent claim 2 is obvious because Herrington recites all of the elements of claim 1, and that Neumann provides the missing element of an "additional display," which is recited by claim 2. However, this rejection cannot be supported because regardless of whether Neumann teaches or does not teach an additional display, Herrington is nonetheless missing several elements of independent claim 1, and Neumann does not teach or suggest such missing elements. Combining Herrington with Neumann's Palm display does not yield applicant's claimed invention because of the fundamental deficiency in Herrington.

All of the remaining rejections of the dependent claims in paragraphs 4-7 of the Office Action follow a similar format. Applicant respectfully submits that all such rejections are

unsupportable because the primary reference to Herrington does not teach or suggest the elements of the independent claims, and the secondary references to Neumann (or Teixeira) do not supply any of the elements missing from the independent claims.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly and respectfully solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Eric D. Cohen", is written over a horizontal line.

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